IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7326 OF 2007

Vishnu Ramchandra Ugale] .. Petitioner

Versus

1. The State Election Commission for]
The State of Maharashtra & 5 ors.] .. Respondents

Mr. Praveen K. Hushing for the petitioner.

Mrs. M.P. Thakur, AGP, for the respondents No.4 & 5.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 05TH OCTOBER, 2007

P.C. :

1. By this Petition, the petitioner seeks a direction to the State Election Commission for the State of Maharashtra to enquire and investigate within a specified period the complaints made by the petitioner on 4th January, 2007 and 10th January, 2007 regarding the alleged breach of the Code of Conduct at the elections to the Municipal Council of Daund. By the complaint dated 4th January, 2007, the petitioner complained that pooja of the machinery of a Cooperative Sugar Factory was performed by the father of the candidate while the Election Code of Conduct was in

force. By the complaint dated 10th January, 2007, the petitioner alleged that a minister belonging to the Congress party addressed a meeting and promised the voters that two Muslim members would be co-opted to the Municipal Council. Both these actions amount to violation of the Code of Conduct and, therefore, the Election Commission be directed to investigate.

2. On complaint of the petitioner the Election Commissioner has issued direction to the Collector to enquire into the complaints and report. Thus, the Election Commissioner has acted upon the complaints and in our view no further directions are necessary in the matter.

3. If at all the petitioner is aggrieved by the alleged breach of conduct which according to him amounts to malpractice at the elections affecting the election results, remedy by way of Election Petition was open to the petitioner. The petitioner has not availed of that remedy within the period of limitation and has filed this Writ Petition for a direction to the Election Commissioner to enquire into the complaints within a specified time. In our view, no such direction can be issued to the Election Commissioner to complete an investigation within a specified time. The Election

Commission has already initiated an action by writing to the Collector to make enquiry into the matter and report. The Election Commission would, we have no doubt, take action in accordance with law on receipt of a report from the Collector.

4. The Writ Petition is, accordingly, rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]